UNITED STATES PATENT AND TRADEMARK OFFICE

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10/605,803	10/28/2003	Michael R. Minogue	GEMS8081.181	2802

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EXAMINER
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NOTIFICATION DATE	DELIVERY MODE
10/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

80

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 October 2003</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-29</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>28 October 2003</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/31/2003 & 1/9/2007</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-29 are pending.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 112. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Element/reference sign 112 is found in applicant's specification paragraph [0028] line 13 and paragraph [0029] line 1.

Specification

3.   The disclosure is objected to because of the following informalities: Applicant's specification paragraph [0028] lines 9-13 reads as "After the system identification is validated 104, 110, a particular software option that is desired to be activated is sent

from the in-field device requesting activation and is received at the centralized facility

112."

Based on applicant's specification the examiner believes that the indicated

sentence should have been stated as "After the system identification is validated 104,

110, <u>**a request for a** particular software option that is desired to be activated is sent</u>

from the in-field device requesting activation and is received at the centralized facility

112."

Appropriate correction or clarification is required.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5.   Claims 1-3, 5-7, 12-18, 20-22, 24, 25 & 27 of the instant Application No. 10/605,803 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent Application No. 11,275,195. .Although the conflicting claims are not identical, they are not patentably distinct from each other because in view of the obviousness type double patenting rationale enunciated in Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322, 1326, 52 USPQ2d 1590, 1593 (Fed. Cir. 1999), although the conflicting claims are not identical, the claims in both applications are based around the same method with minor differences in either the perspective from which declared from or the peripheral conditions. Side by side comparison follows.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Present Application No.: 10/605,803	Patent Application No.: 11/275,195
1. An automated method of remotely activating options resident on a device comprising the steps of: generating an activation key configured to activate an option resident in a memory of an in-field device;	1. An automated method of remotely activating options resident on a multi-vendor supported device comprising the steps of: sending an activation key sent from a first location to a centralized facility located remotely from the first location, the activation key configured to activate an option of an in-field device located in a second location remote from the centralized facility and the first location;
selecting a verification script to at least confirm enableability of the option in the in-field device; sending the activation key and the verification script to the in-field device wherein the in-field device is capable of executing the verification script;	sending the activation key and a verification script from the centralized facility to the in-field device;
receiving a report from the in-field device;	receiving, at the centralized facility, a report generated by the verification script;
if the report is satisfactory, installing the activation key in the in-field device whereby the option is activated and if the report is not satisfactory, aborting activation of the option.	if the report is satisfactory, installing the activation key in the in-field device to activate the option and if the report is not satisfactory, aborting activation of the option.
2. The method of claim 1 further comprising the step of generating the activation key to be unique to the in-field device.	7. The method of claim 1 wherein the activation key is unique to the in-field device.
3. The method of claim 1 further comprising the step of bundling the activation key and the verification script	3. The method of claim 1 further comprising the step of bundling and compressing the activation key and the

together and wherein the step of sending the activation key and the verification script to the in-field device includes sending the bundle.	verification script together for simultaneous transmission to the in-field device located in the second location.
5. The method of claim 4 wherein the step of selecting includes selecting the verification script to provide the report including at least one of: options currently active; options supported by the in-field device; dependencies of options supported by the in-field device.	4. The method of claim 1 wherein report includes at least one of: options currently active; options supported by the in-field device; dependencies of options supported by the in-field device.
6. The method of claim 5 further comprising the step of determining, from the report, whether the option to be activated is one of currently active, not supported by the in-field device, and requires dependent activations and, if the determination is positive, deeming the report unsatisfactory.	5. The method of claim 4 further comprising the step of determining if the report is unsatisfactory by determining from the report whether the option to be activated is one of currently active, not supported by the in-field device, and requires dependent activations.
7. The method of claim 6 further comprising the step of sending a message prompting contact with a centralized facility if the report is unsatisfactory.	6. The method of claim 5 further comprising the step of automatically sending a message from the centralized facility to the second location prompting contact with a centralized facility if the report is unsatisfactory.
12. The method of claim 1 wherein the in-field device is configured for medical imaging.	10. The method of claim 1 wherein the in-field device is configured for medical imaging.
13. A system to respond to a request to remotely enable an option resident on an in-field device, the system comprising: a centralized facility located remotely from an in-field device having an inactive option, and the centralized facility having at least one access computer programmed to: select a verification script to check that the	11. A system to respond to a request to remotely enable an option resident on a multi-vendor supported in-field device, the system comprising: a centralized facility located remotely from an in-field device having an inactive option, and the centralized facility having at least one access computer programmed to: request an activation key from a remote secondary support provider; select a verification script to check that the

in-field device is in condition to activate the inactive option; send the verification script to the in-field device wherein the in-field device is capable of executing the verification script; and install an activation key in the in-field device to activate the inactive option if the verification script indicates that the in-field device is in condition to activate the inactive option.	in-field device is in condition to activate the inactive option; send the verification script and the activation key from the centralized facility to the in-field device; and permit installation of the activation key in the in-field device to activate the inactive option if the verification script indicates that the in-field device is in condition to activate the inactive option.
14. The system of claim 13 wherein the computer is further programmed to generate an activation key upon receipt of an access request from the in-field device.	13. The system of claim 11 wherein the computer is further configured to receive an activation request from the in-field device including a unique host ID and wherein to request an activation key the centralized facility at least sends the host ID to the secondary support provider.
15. The system of claim 14 wherein the activation key is based upon a unique host ID received from the in-field device.	14. The system of claim 13 wherein the activation key is based upon the unique host ID.
16. The system of claim 15 wherein the computer is further programmed to electronically transmit the activation key to the in-field device to active the inactive option.	11. (part) send the verification script and the activation key from the centralized facility to the in-field device;
17. The system of claim 13 wherein the in-field device is in condition to activate the inactive option if the in-field device supports the inactive option and dependent configuration is unnecessary to activate the inactive option.	16. The system of claim 15 wherein the in-field device is in condition to activate the inactive option if the in-field device supports the inactive option and dependent configuration is unnecessary to activate the inactive option.
18. The system of claim 17 wherein the computer is further programmed to receive a report automatically generated by the verification script from the in-field device indicating whether the in-field device supports the inactive option and whether dependent configuration is necessary to activate the inactive option.	15. The system of claim 11 wherein the computer is further programmed to receive a report automatically generated by the verification script from the in-field device indicating whether the in-field device supports the inactive option and whether dependent configuration is necessary to activate the inactive option.
20. The system of claim 13 wherein the in-field device is a medical imaging device.	17. The system of claim 11 wherein the in-field device is a medical diagnosis device.

21. A system to remotely enable an option resident on an in-field device, the system comprising: an in-field device located remotely from a centralized facility and programmed to: send an access request to the centralized facility to request activation of an option of the in-field device; receive an activation key uniquely configured to activate the option of the in-field device and a verification script to authenticate a current status of the in-field device; send a report generated by the verification script to the centralized facility indicating the current status of the infield device; and install the activation key to activate the option if the current status of the in-field device is determined to be satisfactory by the centralized facility.	18. A system to remotely enable an option resident on an in-field device, the system comprising: a centralized facility located remotely from an in-field device and a secondary support vendor and having a computer programmed to: receive an access request from the in-field device to request activation of an inactive option of the in-field device; send an activation key to the in-field device that is uniquely configured by the secondary support vendor to activate the option of the in-field device; send a verification script to the in-field device to authenticate a current status of the in-field device; receive a report generated by the verification script from the in-field device indicating the current status of the in-field device; and install the activation key the in-field device to activate the option if the report is satisfactory.
22. The system of claim 21 wherein the activation key is based upon a host ID unique to the in-field device.	19. The system of claim 18 wherein the access request includes a host ID that is unique to the in-field device and that is relayed from the centralized facility to the secondary support vendor to generate the activation key.
24. The system of claim 23 wherein the current status of the in-field device is unsatisfactory if the report indicates that at least one of: the option is currently active, the in-field device does not support the option, and absent dependencies preclude activation of the option.	21. The system of claim 18 wherein the current status of the in-field device is unsatisfactory if the report indicates that at least one of: the option is currently active, the in-field device does not support the option, and absent dependencies preclude activation of the option.

25. The system of claim 21 wherein the activation key and the verification script are received as a bundle.	22. The system of claim 18 wherein the activation key and the verification script are simultaneously sent to the in field device as a compressed bundle.
27. The system of claim 21 wherein the in-field device is a medical imaging device.	23. The system of claim 18 wherein the in-field device includes a medical imaging device.

6.   Claims 1-7, 9, 12-22, 24, 25, 27 & 29 of the instant Application No. 10/605,803

are rejected under the judicially created doctrine of obviousness-type double patenting

as being unpatentable over claims 1-16 of U.S. Patent No. 7,093,032. Although the

conflicting claims are not identical, they are not patentably distinct from each other

because in view of the obviousness type double patenting rationale enunciated in

Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322, 1326, 52 USPQ2d

1590, 1593 (Fed. Cir. 1999), although the conflicting claims are not identical, the claims

in both Application No. 10/605,803 and Patent No.: 7,093,032 are based around the

same method with minor differences in either the perspective from which declared from

or the peripheral conditions. Side by side comparison follows.

Present Application No.: 10/605,803	Patent No.: 7,093,032
1. An automated method of remotely activating options resident on a device comprising the steps of:	1. An automated method of remotely activating options resident on a multi-vendor supported device comprising the steps of:
generating an activation key configured to activate an option resident in a memory of an in-field device;	receiving, at a centralized facility, an activation key sent from a first location and configured to activate an option of an in-field device located in a second location;
selecting a verification script to at least confirm enableability of the option in the in-	

field device; sending the activation key and the verification script to the in-field device wherein the in-field device is capable of executing the verification script; receiving a report from the in-field device; if the report is satisfactory, installing the activation key in the in-field device whereby the option is activated and if the report is not satisfactory, aborting activation of the option.	sending the activation key and a verification script, from the centralized facility, to the in-field device at the second location; receiving, at the centralized facility, a report generated by the verification script; if the report is satisfactory, installing the activation key in the in-field device to activate the option and if the report is not satisfactory, aborting activation of the option.
2. The method of claim 1 further comprising the step of generating the activation key to be unique to the in-field device.	7. The method of claim 1 wherein the activation key is unique to the in-field device.
3. The method of claim 1 further comprising the step of bundling the activation key and the verification script together and wherein the step of sending the activation key and the verification script to the in-field device includes sending the bundle.	3. The method of claim 1 further comprising the step of bundling and compressing the activation key and the verification script together for transmission to the in-field device located in the second location.
4. The method of claim 1 further comprising the step of selecting the verification script such that the report is automatically generated when executed by the in-field device.	1. (part) if the report is satisfactory, installing the activation key in the in-field device to activate the option and if the report is not satisfactory, aborting activation of the option.
5. The method of claim 4 wherein the step of selecting includes selecting the verification script to provide the report including at least one of: options currently active; options supported by the in-field device; dependencies of options supported by the in-field device.	4. The method of claim 1 wherein report includes at least one of: options currently active; options supported by the in-field device; dependencies of options supported by the in-field device.
6. The method of claim 5 further comprising the step of determining, from the report, whether the option to be activated is one of currently active, not supported by the in-field device, and requires dependent activations and, if the	5. The method of claim 4 further comprising the step of determining if the report is unsatisfactory by determining from the report whether the option to be activated is one of currently active, not supported by the in-field device, and

determination is positive, deeming the report unsatisfactory.	requires dependent activations.
7. The method of claim 6 further comprising the step of sending a message prompting contact with a centralized facility if the report is unsatisfactory.	6. The method of claim 5 further comprising the step of automatically sending a message from the centralized facility to the second location prompting contact with a centralized facility if the report is unsatisfactory.
9. The method of claim 1 further comprising the step of generating the activation key upon receiving an access request from the in-field device at a centralized facility.	8. The method of claim 1 further comprising the step of receiving an access request from the in-field device at a centralized facility and requesting the activation key from the first location in response thereto.
12. The method of claim 1 wherein the in-field device is configured for medical imaging.	10. The method of claim 1 wherein the in-field device is configured for medical imaging.
13. A system to respond to a request to remotely enable an option resident on an in-field device, the system comprising: a centralized facility located remotely from an in-field device having an inactive option, and the centralized facility having at least one access computer programmed to: select a verification script to check that the in-field device is in condition to activate the inactive option; send the verification script to the in-field device wherein the in-field device is capable of executing the verification script; and install an activation key in the in-field device to activate the inactive option if the verification script indicates that the in-field device is in condition to activate the inactive option.	1. An automated method of remotely activating options resident on a multi-vendor supported device comprising the steps of: receiving, at a centralized facility, an activation key sent from a first location and configured to activate an option of an in-field device located in a second location; sending the activation key and a verification script, from the centralized facility, to the in-field device at the second location; receiving, at the centralized facility, a report generated by the verification script; if the report is satisfactory, installing the activation key in the in-field device to activate the option and if the report is not satisfactory, aborting activation of the option.
14. The system of claim 13 wherein the computer is further programmed to	8. The method of claim 1 further comprising the step of receiving an access

generate an activation key upon receipt of an access request from the in-field device.	request from the in-field device at a centralized facility and requesting the activation key from the first location in response thereto.
15. The system of claim 14 wherein the activation key is based upon a unique host ID received from the in-field device.	7. The method of claim 1 wherein the activation key is unique to the in-field device.
16. The system of claim 15 wherein the computer is further programmed to electronically transmit the activation key to the in-field device to active the inactive option.	3. The method of claim 1 further comprising the step of bundling and compressing the activation key and the verification script together for transmission to the in-field device located in the second location.
17. The system of claim 13 wherein the in-field device is in condition to activate the inactive option if the in-field device supports the inactive option and dependent configuration is unnecessary to activate the inactive option.	4. The method of claim 1 wherein report includes at least one of: options currently active; options supported by the in-field device; dependencies of options supported by the in-field device.
18. The system of claim 17 wherein the computer is further programmed to receive a report automatically generated by the verification script from the in-field device indicating whether the in-field device supports the inactive option and whether dependent configuration is necessary to activate the inactive option.	4. The method of claim 1 wherein report includes at least one of: options currently active; options supported by the in-field device; dependencies of options supported by the in-field device.
19. The system of claim 13 wherein the computer is further programmed to send a notification to contact the centralized facility if the in-field device is not in condition to activate the inactive option.	6. The method of claim 5 further comprising the step of automatically sending a message from the centralized facility to the second location prompting contact with a centralized facility if the report is unsatisfactory.
20. The system of claim 13 wherein the in-field device is a medical imaging device.	10. The method of claim 1 wherein the in-field device is configured for medical imaging.
21. A system to remotely enable an option resident on an in-field device, the system comprising: an in-field device located remotely from a	11. A system to remotely enable an option resident on an in-field device, the system comprising: an in-field device located remotely from a

centralized facility and programmed to: send an access request to the centralized facility to request activation of an option of the in-field device; receive an activation key uniquely configured to activate the option of the in-field device and a verification script to authenticate a current status of the in-field device; send a report generated by the verification script to the centralized facility indicating the current status of the infield device; and install the activation key to activate the option if the current status of the in-field device is determined to be satisfactory by the centralized facility.	centralized facility and a secondary support vendor and programmed to: send an access request to the centralized facility to request activation of an inactive option of the in-field device; receive an activation key from the centralized facility that is uniquely configured by the secondary support vendor to activate the option of the in-field device; receive a verification script from the centralized facility to authenticate a current status of the in-field device; send a report generated by the verification script to the centralized facility indicating the current status of the in-field device; and install the activation key to activate the option if the centralized facility indicates the installation is allowable.
22. The system of claim 21 wherein the activation key is based upon a host ID unique to the in-field device.	12. The system of claim 11 wherein the access request includes a host ID that is unique to the in-field device and that is relayed from the centralized facility to the secondary support vendor to generate the activation key.
24. The system of claim 23 wherein the current status of the in-field device is unsatisfactory if the report indicates that at least one of: the option is currently active, the in-field device does not support the option, and absent dependencies preclude activation of the option.	14. The system of claim 11 wherein the current status of the in-field device is unsatisfactory if the report indicates that at least one of: the option is currently active, the in-field device does not support the option, and absent dependencies preclude activation of the option.
25. The system of claim 21 wherein the activation key and the verification script are received as a bundle.	15. The system of claim 11 wherein the activation key and the verification script are received by the in-field device as a compressed bundle.
27. The system of claim 21 wherein the in-field device is a medical imaging device.	16. The system of claim 11 wherein the in-field device includes a medical imaging device.
29. The system of claim 21 wherein the in-field device is determined to be	1. (part) receive a verification script from the centralized facility to authenticate a

satisfactory if the option is enableable in the in-field device.	current status of the in-field device; send a report generated by the verification script to the centralized facility indicating the current status of the in-field device; and install the activation key to activate the option if the centralized facility indicates the installation is allowable.

7.   Claims 1-4, 7, 9, 10, 12-21 & 25-28 of the instant Application No. 10/605,803 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,990,434. Although the conflicting claims are not identical, they are not patentably distinct from each other because in view of the obviousness type double patenting rationale enunciated in Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322, 1326, 52 USPQ2d 1590, 1593 (Fed. Cir. 1999), although the conflicting claims are not identical, the claims in both Application No. 10/605,803 and Patent No.: 6,990,434 are based around the same method with minor differences in either the perspective from which declared from or the peripheral conditions. Side by side comparison follows.

Present Application No.: 10/605,803	Now Patent No.: 6,990,434
1. An automated method of remotely activating options resident on a device comprising the steps of:	1. An automated method of remotely activating options resident on a plurality of devices comprising the steps of:
generating an activation key configured to activate an option resident in a memory of an in-field device;	generating a number of activation keys, each of which is specific to one of a plurality of in-field devices having inactive options resident in a memory of each of the plurality of in-field devices;
selecting a verification script to at least confirm enableability of the option in the in-	

field device; sending the activation key and the verification script to the in-field device wherein the in-field device is capable of executing the verification script; receiving a report from the in-field device; if the report is satisfactory, installing the activation key in the in-field device whereby the option is activated and if the report is not satisfactory, aborting activation of the option.	sending each representative activation key and a verification script to each of the in-field devices; receiving a report from each of the verification scripts; and evaluating each report independently, whereby if the report is satisfactory for a corresponding in-field device, the respective activation key is installed in the corresponding in-field device to activate an option and if the report is not satisfactory for a corresponding in-field device, aborting activation of the option for the corresponding in-field device.
2. The method of claim 1 further comprising the step of generating the activation key to be unique to the in-field device.	2. The automated method of claim 1 further comprising the step of receiving a host ID from each of the plurality of in-field devices.
3. The method of claim 1 further comprising the step of bundling the activation key and the verification script together and wherein the step of sending the activation key and the verification script to the in-field device includes sending the bundle.	4. The automated method of claim 1 further comprising the step of bundling each individual activation key with the verification script and wherein the step of sending the activation key and the verification script to the in-field device includes sending the bundle.
4. The method of claim 1 further comprising the step of selecting the verification script such that the report is automatically generated when executed by the in-field device.	1. (part) and evaluating each report independently, whereby if the report is satisfactory for a corresponding in-field device, the respective activation key is installed in the corresponding in-field device to activate an option and if the report is not satisfactory for a corresponding in-field device, aborting activation of the option for the corresponding in-field device.
7. The method of claim 6 further comprising the step of sending a message prompting contact with a centralized facility if the report is unsatisfactory.	5. The automated method of claim 1 wherein the step of aborting further includes the step of sending a message prompting user contact with a centralized facility and identifying the in-field device in

	which activation of the option was aborted.
9. The method of claim 1 further comprising the step of generating the activation key upon receiving an access request from the in-field device at a centralized facility.	6. The automated method of claim 1 further comprising the step of generating the activation key upon receiving an access request.
10. The method of claim 9 further comprising the step of receiving a system ID as part of the access request, wherein the system ID is a unique identifier of a customer initiating the access request.	2. The automated method of claim 1 further comprising the step of receiving a host ID from each of the plurality of in-field devices.
12. The method of claim 1 wherein the in-field device is configured for medical imaging.	10. The automated method of claim 1 wherein the plurality of in-field devices includes medical imaging devices.
13. A system to respond to a request to remotely enable an option resident on an in-field device, the system comprising: a centralized facility located remotely from an in-field device having an inactive option, and the centralized facility having at least one access computer programmed to: select a verification script to check that the in-field device is in condition to activate the inactive option; send the verification script to the in-field device wherein the in-field device is capable of executing the verification script; and install an activation key in the in-field device to activate the inactive option if the verification script indicates that the in-field device is in condition to activate the inactive option.	12. A system to respond to a request to remotely enable options resident in the memory of a plurality of in-field devices, the system comprising: a centralized facility located remotely from a plurality of in-field devices having inactive options, and the centralized facility having at least one computer programmed to: select verification scripts to check that each of the plurality of in-field devices is in condition to activate an inactive option; select activation keys unique to each of the plurality of in-field devices; send at least one verification script and at least one activation key to each of the plurality of in-field devices, wherein each of the in-field devices is capable of executing the verification script; independently abort activation of an inactive option if a report indicates that one of the plurality of in-field devices is not in a condition to activate the inactive option.
14. The system of claim 13 wherein the computer is further programmed to generate an activation key upon receipt of	14. The system of claim 12 wherein the computer is further programmed to generate the activation keys upon receipt

an access request from the in-field device.	of an access request.
15. The system of claim 14 wherein the activation key is based upon a unique host ID received from the in-field device.	15. The system of claim 14 wherein the activation keys are based upon each unique host ID received from each of the plurality of in-field devices.
16. The system of claim 15 wherein the computer is further programmed to electronically transmit the activation key to the in-field device to active the inactive option.	16. The system of claim 15 wherein the computer is further programmed to electronically transmit the verification scripts and activation keys to the plurality of in-field devices to activate the inactive options simultaneously.
17. The system of claim 13 wherein the in-field device is in condition to activate the inactive option if the in-field device supports the inactive option and dependent configuration is unnecessary to activate the inactive option.	18. The system of claim 17 wherein an individual in-field device is in condition to activate the inactive option if the individual in-field device supports the inactive option and dependent configuration is unnecessary to activate the inactive option.
18. The system of claim 17 wherein the computer is further programmed to receive a report automatically generated by the verification script from the in-field device indicating whether the in-field device supports the inactive option and whether dependent configuration is necessary to activate the inactive option.	17. The system of claim 12 wherein the computer is further programmed to determine whether each of the plurality of in-field devices is in condition to activate the inactive option individually from a single report automatically generated by the verification scripts.
19. The system of claim 13 wherein the computer is further programmed to send a notification to contact the centralized facility if the in-field device is not in condition to activate the inactive option.	19. The system of claim 12 wherein the computer is further programmed to send a notification to contact the centralized facility if any of the plurality of in-field devices is not in condition to activate the inactive options.
20. The system of claim 13 wherein the in-field device is a medical imaging device.	20. The system of claim 12 wherein the plurality of in-field devices is medical imaging devices.
21. A system to remotely enable an option resident on an in-field device, the system comprising: an in-field device located remotely from a centralized facility and programmed to:	21. A system to remotely enable options through a network of in-field devices, the system comprising: a network of in-field devices located remotely from a centralized facility and programmed to:

send an access request to the centralized facility to request activation of an option of the in-field device; receive an activation key uniquely configured to activate the option of the in-field device and a verification script to authenticate a current status of the in-field device; send a report generated by the verification script to the centralized facility indicating the current status of the infield device; and install the activation key to activate the option if the current status of the in-field device is determined to be satisfactory by the centralized facility.	(A) send a single access request to the centralized facility to request activation of options of the in-field devices; (B) receive activation keys uniquely configured to activate the options of the in-field devices and verification scripts to authenticate a current status of each of the in-field devices; (C) send a report generated by the verification scripts to the centralized facility indicating the current status of the in-field devices; (D) install one activation key in one of the in-field devices to activate the options in the one in-field device if the current status of the one in-field device is determined to be satisfactory by the centralized facility; and (E) repeat steps (C) and (D) for all of the in-field devices of the network.
25. The system of claim 21 wherein the activation key and the verification script are received as a bundle.	23. The system of claim 21 wherein the activation keys and the verification scripts are received as a bundle.
26. The system of claim 25 wherein the bundle is compressed.	24. The system of claim 23 wherein the bundle is compressed.
27. The system of claim 21 wherein the in-field device is a medical imaging device.	25. The system of claim 21 wherein the in-field devices are networked medical imaging devices.
28. The system of claim 21 wherein the report includes at least one of: options currently active; options supported by the in-field device; and dependencies of options supported by the in-field device.	22. The system of claim 21 wherein the current status of one in-field device is determined to be unsatisfactory if, regarding the one in-field device, the reports indicate at least one of: the option is currently active, the in-field device does not support the option, and absent dependencies preclude activation of the option.

8.　　　Claims 1-6, 10-14, 16–21, 24, 25 & 27-29 of the instant Application No.

10/605,803 are rejected under the judicially created doctrine of obviousness-type

double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 7,113,894.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because in view of the obviousness type double patenting rationale

enunciated in Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322,

1326, 52 USPQ2d 1590, 1593 (Fed. Cir. 1999), although the conflicting claims are not

identical, the claims in both Application No. 10/605,803 and Patent No.: 7,113,894 are

based around the same method with minor differences in either the perspective from

which declared from or the peripheral conditions. Side by side comparison follows.

Present Application No.: 10/605,803	Patent No.: 7,113,894
1. An automated method of remotely activating options resident on a device comprising the steps of:	1. An automated method of remotely activating options resident on a device comprising the steps of:
generating an activation key configured to activate an option resident in a memory of an in-field device;	generating an activation key in a centralized facility which is specific to an in-field device having inactive options resident in the in-field device;
selecting a verification script to at least confirm enableability of the option in the in-field device;	
sending the activation key and the verification script to the in-field device wherein the in-field device is capable of executing the verification script;	electronically sending the activation key and a verification script from the centralized facility, directly into the in-field device; and
receiving a report from the in-field device;	
	receiving, at the centralized facility, an acknowledgement responsive to the verification script such that
if the report is satisfactory, installing the activation key in the in-field device whereby the option is activated and if the	if the acknowledgement is satisfactory for the in-field device, the activation key is

report is not satisfactory, aborting activation of the option.	installed and enables utilization of an inactive option of the in-field device.
2. The method of claim 1 further comprising the step of generating the activation key to be unique to the in-field device.	4. The automated method of claim 1 further comprising the step of receiving a device identifier from the in-field device.
3. The method of claim 1 further comprising the step of bundling the activation key and the verification script together and wherein the step of sending the activation key and the verification script to the in-field device includes sending the bundle.	1 (part) electronically sending the activation key and a verification script from the centralized facility, directly into the in-field device
4. The method of claim 1 further comprising the step of selecting the verification script such that the report is automatically generated when executed by the in-field device.	1. (Part) receiving, at the centralized facility, an acknowledgement responsive to the verification script such that
5. The method of claim 4 wherein the step of selecting includes selecting the verification script to provide the report including at least one of: options currently active; options supported by the in-field device; dependencies of options supported by the in-field device.	5. The automated method of claim 4 further comprising the step of associating a plurality of inactive options with the device identifier.
6. The method of claim 5 further comprising the step of determining, from the report, whether the option to be activated is one of currently active, not supported by the in-field device, and requires dependent activations and, if the determination is positive, deeming the report unsatisfactory.	2. The automated method of claim 1 wherein if the acknowledgement is unsatisfactory, the activation key is discarded and the inactive option is maintained as inactive.
10. The method of claim 9 further comprising the step of receiving a system ID as part of the access request, wherein the system ID is a unique identifier of a customer initiating the access request.	4. The automated method of claim 1 further comprising the step of receiving a device identifier from the in-field device.
11. The method of claim 10 further comprising the step of verifying whether the access request and system ID are valid.	2. The automated method of claim 1 wherein if the acknowledgement is unsatisfactory, the activation key is discarded and the inactive option is maintained as inactive.

12. The method of claim 1 wherein the in-field device is configured for medical imaging.	7. The automated method of claim 1 wherein the in-field device is further defined as a medical imaging device.
13. A system to respond to a request to remotely enable an option resident on an in-field device, the system comprising: a centralized facility located remotely from an in-field device having an inactive option, and the centralized facility having at least one access computer programmed to: select a verification script to check that the in-field device is in condition to activate the inactive option; send the verification script to the in-field device wherein the in-field device is capable of executing the verification script; and install an activation key in the in-field device to activate the inactive option if the verification script indicates that the in-field device is in condition to activate the inactive option.	9. A system to respond to a request to remotely enable options resident at a plurality of in-field devices, the system comprising: a centralized facility located remotely from a plurality of in-field devices having inactive options and capable of executing a script to enable a selected inactive option, and the centralized facility having at least one computer programmed to: send a selected verification script and a selected activation key to at least one of the plurality of in-field devices responsive to a request to activate the selected inactive option; and abort activation of the selected inactive option if the at least one of the plurality of in-field devices is not in a condition to activate the inactive option.
14. The system of claim 13 wherein the computer is further programmed to generate an activation key upon receipt of an access request from the in-field device.	11. The system of claim 9 wherein the computer is further programmed to generate the selected activation key upon receipt of the request and the activation key is operable with the at least one of the plurality of in-field devices.
16. The system of claim 15 wherein the computer is further programmed to electronically transmit the activation key to the in-field device to active the inactive option.	1. (Part) send a selected verification script and a selected activation key to at least one of the plurality of in-field devices responsive to a request to activate the selected inactive option;

17. The system of claim 13 wherein the in-field device is in condition to activate the inactive option if the in-field device supports the inactive option and dependent configuration is unnecessary to activate the inactive option.	10. The system of claim 9 wherein the computer is further programmed to independently determine if any of the plurality of in-field devices is in condition to activate the inactive options and install the activation key independently in each of the in-field devices.
18. The system of claim 17 wherein the computer is further programmed to receive a report automatically generated by the verification script from the in-field device indicating whether the in-field device supports the inactive option and whether dependent configuration is necessary to activate the inactive option.	10. The system of claim 9 wherein the computer is further programmed to independently determine if any of the plurality of in-field devices is in condition to activate the inactive options and install the activation key independently in each of the in-field devices.
19. The system of claim 13 wherein the computer is further programmed to send a notification to contact the centralized facility if the in-field device is not in condition to activate the inactive option.	14. The system of claim 9 wherein the computer is further configured to request communication with the centralized facility if the selected inactive option remains inoperable after receipt of the selected verification script and the selected activation key.
20. The system of claim 13 wherein the in-field device is a medical imaging device.	15. The system of claim 9 wherein at least one of the plurality of in-field devices is further defined as an MRI device, a CT device, an X-ray device, or a PET device.
21. A system to remotely enable an option resident on an in-field device, the system comprising: an in-field device located remotely from a centralized facility and programmed to: send an access request to the centralized facility to request activation of an option of the in-field device; receive an activation key uniquely configured to activate the option of the in-field device and a verification script to authenticate a current status of the in-field	16. A system to remotely enable options through a network of in-field devices, the system comprising: a network of in-field devices located remotely from a centralized facility, at least one of the in-field devices programmed to: (A) request centralized facility activation of an inactive option; (B) receive an activation key and a verification script from the centralized facility configured to activate the requested option; and

device; send a report generated by the verification script to the centralized facility indicating the current status of the infield device; and install the activation key to activate the option if the current status of the in-field device is determined to be satisfactory by the centralized facility.	(C) install one activation key in one of the in-field devices to activate the option in the one in-field device responsive to a satisfactory authorization confirmation generated by the verification script.
24. The system of claim 23 wherein the current status of the in-field device is unsatisfactory if the report indicates that at least one of: the option is currently active, the in-field device does not support the option, and absent dependencies preclude activation of the option.	18. The system of claim 16 wherein the authorization confirmation is determined to be satisfactory if at least one of the one in-field device has at least not previously activated the inactive option and the in-field device is configured to support the option.
25. The system of claim 21 wherein the activation key and the verification script are received as a bundle.	19. The system of claim 16 wherein the activation key and the verification script are bundled and sent to the at least one in-field device in a single transmission.
27. The system of claim 21 wherein the in-field device is a medical imaging device.	23. (Part) wherein the in-field device is further defined as a medical imaging device.
28. The system of claim 21 wherein the report includes at least one of: options currently active; options supported by the in-field device; and dependencies of options supported by the in-field device.	18. The system of claim 16 wherein the authorization confirmation is determined to be satisfactory if at least one of the one in-field device has at least not previously activated the inactive option and the in-field device is configured to support the option.
29. The system of claim 21 wherein the in-field device is determined to be satisfactory if the option is enableable in the in-field device.	23. (Part) receiving an acknowledgement responsive to the verification script such that if the acknowledgement is satisfactory for the in-field device, the activation key is installed and enables utilization of an inactive option of the in-field device

Claim Rejections - 35 USC § 101

9.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-29 are non-statutory because they recite a computer program per se representing functional descriptive material without a computer or computer readable medium.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 1-6 & 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenstemaker et al. (Patent No.: 6,490,684).

As Per Claim 1: Fenstemaker et al. teaches:

- An automated method of remotely activating options resident on a device comprising the steps of:

(Fenstemaker et al., Abstract, Lines 11-15, "because the necessary hardware is factory-installed in and shipped with the ultrasound device, a user who desires the

temporary or permanent use of a hardware feature can enable the feature without taking the ultrasound device off-line.").

- generating an activation key configured to activate an option resident in a memory of an in-field device

(Fenstemaker et al., Specification, Column 3, Lines 35-38, "the key is generated by the remote source (step 420) and transmitted to the ultrasound device 100 via the key receiver 150, which can be, for example, a network link or modem").

- selecting a verification script to at least confirm enableability of the option in the in-field device

(Fenstemaker et al., Specification, Column 4, Lines 49-51, "The key preferably also comprises a code that is unique to a corresponding feature (e.g., a secret feature name).").

(Fenstemaker et al., Specification, Column 3, Lines 41-43, "it is preferred that the feature control manager 130 verify the received key to ensure that it will enable the feature").

- sending the activation key and the verification script to the in-field device wherein the in-field device is capable of executing the verification script

(Fenstemaker et al., Specification, Column 3, Lines 35-38, as seen previously in this rejection).

- receiving a report from the in-field device; and if the report is satisfactory, installing the activation key in the in-field device whereby the option is activated and if the report is not satisfactory, aborting activation of the option

(Fenstemaker et al., Specification, Column 3, Lines 41-43, as seen previously in this rejection).

(Fenstemaker et al., Specification, Column 3, Lines 44-46, "If an acknowledgement is not received or if an error message is generated, the remote source can retransmit the key").

As Per Claim 2: The rejection of claim 1 is incorporated and further Fenstemaker et al. teaches:

- the step of generating the activation key to be unique to the in-field device

(Fenstemaker et al., Specification, Column 4, Lines 46-48, "In one preferred embodiment, the key comprises information that is unique to the ultrasound device, such as a serial number.").

As Per Claim 3: The rejection of claim 1 is incorporated and further Fenstemaker et al. teaches:

- the step of bundling the activation key and the verification script together and wherein the step of sending the activation key and the verification script to the in-field device includes sending the bundle

(Fenstemaker et al., Specification, Column 4, Lines 49-51, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 3, Lines 35-38, as seen in the rejection of claim 1).

As Per Claim 4: The rejection of claim 1 is incorporated and further it is inherent that the report is automatically generated when executed.

As Per Claim 5: The rejection of claim 4 is incorporated and further Fenstemaker et al. teaches:

- the step of selecting includes selecting the verification script to provide the report including at least one of:

- options currently active

- options supported by the in-field device

- dependencies of options supported by the in-field device

(Fenstemaker et al., Specification, Column 3, Lines 17-26, "It is preferred that the feature control manager 130 verify the received key to ensure that it will enable the requested feature and provide an acknowledgement of the verification to the user (step

340). For example, if the key is verified, the feature control manager 130 can provide the user with an updated list showing which features are enabled and which are disabled. Additionally, if the key fails, the feature control manager 130 can display a failure message to the user. It is important to note that although the method described above is preferred, other methods can be used.").

As Per Claim 6: The rejection of claim 5 is incorporated and further Fenstemaker et al. teaches:

- the step of determining, from the report, whether the option to be activated is one of currently active, not supported by the in-field device, and requires dependent activations and, if the determination is positive, deeming the report unsatisfactory

(Fenstemaker et al., Specification, Column 3, Lines 41-43, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 3, Lines 44-46, as seen in the rejection of claim 1).

As Per Claim 8: The rejection of claim 1 is incorporated and further Fenstemaker et al. teaches:

- the step of monitoring use of the option and providing a warning of an

expiration of the activation key

(Fenstemaker et al., Specification, Column 4, Lines 25-27, "An application 110

can alert a user when a feature is about to expire.").

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 7 & 9-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fenstemaker et al. in further view of Zhang et al. (Patent Application Publication No.:

US 2002/0152400 A1).

As Per Claim 7: The rejection of claim 6 is incorporated and Fenstemaker et al. does

not explicitly teach the following limitation:

However Zhang et al. in analogous art teaches the above limitation:

- the step of sending a message prompting contact with a centralized facility if the

report is unsatisfactory

(Zhang et al., Specification, Paragraph [0032], Lines 13-16, "To further assist users or customers having an unqualified customer status 118, 120, the customer is prompted to contact a customer service representative at the centralized facility 122").

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to take advantage of the information exchange and control mechanisms provided by the use of a centralized facility and to have a mechanism for easily assisting users or customers having difficulty for any reason.

As Per Claim 9: The rejection of claim 1 is incorporated and further Fenstemaker et al. teaches:

- the step of generating the activation key upon receiving an access request from the in-field device

(Fenstemaker et al., Drawings, Figure 4, Element 420).

Fenstemaker et al. does not teach the following limitation:

- at a centralized facility

However Zhang et al. in analogous art teaches the above limitation:

(Zhang et al., Specification, Paragraph [0002], "Information exchange between a centralized facility and remote medical diagnostic devices and supporting systems, such

as medical imaging systems, has steadily improved in recent years. Examples of some medical devices and systems capable of exchanging information remotely include magnetic resonance imaging (MRI) systems, computed tomography (CT) systems, ultrasound and x-ray systems, and positron emission tomography (PET) systems. Typically, these systems are factory configured with several activated options including options that a particular customer may not utilize. Some known systems permit a user to "configure" a device to its needs, but these systems require the user to determine and, often, guess as to what features will be needed in the future. To further complicate matters, customers owning multiple devices often network these devices even though they have different options activated.").

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to take advantage of the advances in information exchange and control mechanisms provided by the use of a centralized facility.

As Per Claim 10: The rejection of claim 9 is incorporated and Fenstemaker et al. does not explicitly teach the following limitation:

- the step of receiving a system ID as part of the access request, wherein the system ID is a unique identifier of a customer initiating the access request

However Zhang et al. in analogous art teaches the above limitation:

(Zhang et al., Specification, Paragraph [0029], Lines 1-4, "From a centralized facility, and after appropriate authentication of the user and validation of the system identification and customer's status, an electronic enabler or activation key is generated in the centralized facility").

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to have the capability of accurately identifying the customer and device that will be seeking enablement.

As Per Claim 11: The rejection of claim 10 is incorporated and Fenstemaker et al. does not explicitly teach the following limitation:

- the step of verifying whether the access request and system ID are valid

However Zhang et al. in analogous art teaches the above limitation:

(Zhang et al., Specification, Paragraph [0030], Lines 18-24, "then the centralized facility validates the system identifier or system ID at 112. If the system identifier is invalid 114, e.g., does not indicate that the selected device is capable of supporting the software option requested, then the customer is prompted to enter a new system identifier at 110. If the system identification is valid 116, then the customer's status is verified at 118.").

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to validate the customer and request in order to ensure ahead of time that the requested option will be supported.

As Per Claim 12: The rejection of claim 1 is incorporated and Fenstemaker et al. does not explicitly teach the following limitation:

However Zhang et al. in analogous art teaches the above limitation:

- the in-field device is configured for medical imaging

(Zhang et al., Specification, Paragraph [0006], "There is a need for a system where a customer would have the ability to request indefinite access to and use of an inactivated option preinstalled in memory of a device remotely located from a centralized facility. Often, healthcare or other facilities may desire to minimize initial purchase price expenditures, employee training sessions, or other expenses by limiting the number of options that are activated.")

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to have incremental service available to the types of devices where the organization or facilities purchasing the device may desire to minimize initial purchase price expenditures.

As Per Claim 13: Fenstemaker et al. teaches:

- A system to respond to a request to remotely enable an option resident on an in-field device, the system comprising:

(Fenstemaker et al., Abstract, Lines 11-15, as seen in the rejection of claim 1).

- select a verification script to check that the in-field device is in condition to activate the inactive option

(Fenstemaker et al., Specification, Column 4, Lines 49-51, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 3, Lines 41-43, as seen in the rejection of claim 1).

- send the verification script to the in-field device wherein the in-field device is capable of executing the verification script

(Fenstemaker et al., Specification, Column 3, Lines 35-38, as seen in the rejection of claim 1).

- install an activation key in the in-field device to activate the inactive option if the verification script indicates that the in-field device is in condition to activate the inactive option

(Fenstemaker et al., Specification, Column 3, Lines 41-43, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 3, Lines 44-46, as seen in the rejection of claim 1).

Fenstemaker et al. does not teach the following limitation:

- **a centralized facility located remotely from an in-field device having an inactive option, and the centralized facility having at least one access computer**

However Zhang et al. in analogous art teaches the above limitation:

(Zhang et al., Specification, Paragraph [0002], as seen in the rejection of claim 9).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to take advantage of the advances in information exchange and control mechanisms provided by the use of a centralized facility.

As Per Claim 14: The rejection of claim 13 is incorporated and further Fenstemaker et al. teaches:

- **the computer is further programmed to generate an activation key upon receipt of an access request from the in-field device**

(Fenstemaker et al., Drawings, Figure 4, Element 420).

As Per Claim 15: The rejection of claim 14 is incorporated and further Fenstemaker et al. teaches:

- the activation key is based upon a unique host ID received from the in-field device

(Fenstemaker et al., Specification, Column 4, Lines 46-48, as seen in the rejection of claim 2).

As Per Claim 16: The rejection of claim 15 is incorporated and further Fenstemaker et al. teaches:

- the computer is further programmed to electronically transmit the activation key to the in-field device to active the inactive option

(Fenstemaker et al., Specification, Column 3, Lines 35-38, as seen in the rejection of claim 1).

As Per Claim 17: The rejection of claim 13 is incorporated and further: It is inherent that a given device must support a given option in order for it to be in a condition to activate a given option.

As Per Claim 18: The rejection of claim 17 is incorporated and further the limitations of claim 18 are substantially the same as the limitations of claim 6 and are rejected under substantially the same reasoning.

As Per Claim 19: The rejection of claim 13 is incorporated and Fenstemaker et al. does not explicitly teach the following limitation:

- the computer is further programmed to send a notification to contact the centralized facility if the in-field device is not in condition to activate the inactive option

However Zhang et al. in analogous art teaches the above limitation:

(Zhang et al., Specification, Paragraph [0032], Lines 13-16, "To further assist users or customers having an unqualified customer status 118, 120, the customer is prompted to contact a customer service representative at the centralized facility 122").

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to provided a means to assist a customer in knowing correctly who to contact in the case of their being unable to activate a desired piece of functionality.

As Per Claim 20: The rejection of claim 13 is incorporated and Fenstemaker et al. does not explicitly teach the following limitation:

- the in-field device is a medical imaging device

However Zhang et al. in analogous art teaches the above limitation:

(Zhang et al., Specification, Paragraph [0006], as seen in the rejection of claim

12)

It would have been obvious to one of ordinary skill in the art at the time of

invention was made to incorporate the teachings of Zhang et al. in to the teachings of

Fenstemaker et al., because one of ordinary skill in the art would be motivated to have

incremental service available to the types of devices where the organization or facilities

purchasing the device may desire to minimize initial purchase price expenditures.

As Per Claim 21: Fenstemaker et al. teaches:

**- A system to remotely enable an option resident on an in-field device, the system
comprising:**

(Fenstemaker et al., Abstract, Lines 11-15, as seen in the rejection of claim 1).

**- an in-field device located remotely from a centralized facility and programmed
to:**

(Fenstemaker et al., Specification, Column 3, Lines 35-38, as seen in the

rejection of claim 1).

- send an access request to the centralized facility to request activation of an option of the in-field device;

(Fenstemaker et al., Specification, Column 3, Lines 29-31, "the key is generated by the remote source (step 420) and transmitted to the ultrasound device 100 via the key receiver 150, which can be, for example, a network link or modem").

- receive an activation key uniquely configured to activate the option of the in-field device and a verification script to authenticate a current status of the in-field device;

(Fenstemaker et al., Specification, Column 3, Lines 35-38, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 4, Lines 49-51, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 3, Lines 41-43, as seen in the rejection of claim 1).

- send a report generated by the verification script to the [centralized] facility indicating the current status of the infield device; and install the activation key to activate the option if the current status of the in-field device is determined to be satisfactory

(Fenstemaker et al., Specification, Column 3, Lines 41-43, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 3, Lines 44-46, as seen in the rejection of claim 1).

Fenstemaker et al. does not explicitly teach the following limitation:

- the centralized facility.

However Zhang et al. in analogous art teaches the above limitation:

(Zhang et al., Specification, Paragraph [0002], as seen in the rejection of claim 9).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Zhang et al. in to the teachings of Fenstemaker et al., because one of ordinary skill in the art would be motivated to take advantage of the advances in information exchange and control mechanisms provided by the use of a centralized facility.

As Per Claim 22: The rejection of claim 21 is incorporated and further Fenstemaker et al. teaches:

- the activation key is based upon a host ID unique to the in-field device

(Fenstemaker et al., Specification, Column 4, Lines 46-48, as seen in the rejection of claim 2).

As Per Claim 23: The rejection of claim 21 is incorporated and further the limitations of claim 23 are substantially the same as the limitations of claim 7 and are rejected under substantially the same reasoning.

As Per Claim 24: The rejection of claim 23 is incorporated and further the limitations of claim 24 are substantially the same as the limitations of claim 5 and are rejected under substantially the same reasoning.

As Per Claim 25: The rejection of claim 21 is incorporated and further Fenstemaker et al. teaches:

- the activation key and the verification script are received as a bundle

      (Fenstemaker et al., Specification, Column 4, Lines 49-51, as seen in the rejection of claim 1).

      (Fenstemaker et al., Specification, Column 3, Lines 35-38, as seen in the rejection of claim 1).

As Per Claim 26: The rejection of claim 25 is incorporated and further Fenstemaker et al. and Zhang et al. do not explicitly teach the following limitation:

- the bundle is compressed

However the examiner is giving official notice on the above limitation:

The use of compression is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the use of compression in to the teachings of Fenstemaker et al. and Zhang et al., because one of ordinary skill in the art would be motivated to take advantage of the reduction of bandwidth use as well as the increased protection of the transmitted data's integrity which is provided by the use of compression.

As Per Claim 27: The rejection of claim 21 is incorporated and further the limitation of claim 27 is a restatement of the limitation of claim 20 and is rejected under substantially the same reasoning.

As Per Claim 28: The rejection of claim 21 is incorporated and further the limitation of claim 28 is substantially the same as the limitation of claim 5 and is rejected under substantially the same reasoning.

As Per Claim 29: The rejection of claim 21 is incorporated and further Fenstemaker et al. teaches:

- the in-field device is determined to be satisfactory if the option is enableable in the in-field device

(Fenstemaker et al., Specification, Column 3, Lines 41-43, as seen in the rejection of claim 1).

(Fenstemaker et al., Specification, Column 3, Lines 44-46, as seen in the rejection of claim 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Kaplan whose telephone number is 571-270-3170. The examiner can normally be reached on 7:30 a.m. - 5:00 p.m. E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Kaplan

CHRISTOPHER REVAK
PRIMARY EXAMINER